

Rec'd 10/24/06
JAMES BONN
CLERK

United States District Court

06 OCT 24 PM 3: 17

for

Southern District of Ohio

CLERK
WEST OF CINCINNATI

Petition for Warrant or Summons for Offender Under SupervisionName of Offender: **John Ober**Last Known Address: **3393-E Tatum Cove****McDermott, Ohio 45652**Case Number: **1:01CR00055-17**

Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber**
Senior United States District Judge

Date of Original Sentence: **January 24, 2002**Original Offense: **Conspiracy to Distribute and Possess with Intent to Distribute Marijuana and Cocaine**Original Sentence: **46 month(s) prison, 48 month(s) supervised release**Type of Supervision: **Supervised Release**Date Supervision Commenced: **March 1, 2004**Assistant U.S. Attorney: **Robert Brichler, Esq.**Defense Attorney: **Jeffrey L. Adams, Esq.****PETITIONING THE COURT**

- ☒ To issue a warrant
☐ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1 Failure to Report	This officer has had no contact with Mr. Ober since September 18, 2006.
#2 No Drug Use	Since being on supervision, Mr. Ober has tested positive for marijuana on June 14, 2005; July 19, 2005; and January 13, 2006.
#3 No New Law Violations:	On May 20, 2005, Ober was convicted of Reckless Operation in Adams County, Ohio. On September 12, 2005, Ober was convicted of an amended charge of Physical Control also in Adams County, Ohio.
#4 Failure to pay child support	Ober was ordered by the Court to pay child support. He has not made a payment since March 6, 2006.

U.S. Probation Officer Recommendation:

On January 24, 2002, Mr. Ober appeared before Your Honor and was sentenced to 46 months imprisonment followed by four years supervised release after having been charged with Conspiracy to Distribute and Possess with Intent to Distribute Marijuana and Cocaine. As special conditions of his supervised release, he was ordered to participate in substance abuse and mental health treatment as recommended, comply with a child support order issued by Adams County, Ohio and pay a \$1,000 fine.

On June 16, 2004, Mr. Ober was released from the Bureau of Prisons to commence his term of supervised release. Since being on supervision, Mr. Ober has had some difficulties. The Court was notified previously on June 7, 2005 that Ober was convicted of an amended charge of Reckless Operation on May 20, 2005 in Adams County, Ohio and was sentenced to 180 days jail which was suspended. He was ordered to a fine and court costs.

In addition, on September 12, 2005, Ober again appeared in Adams County Municipal Court after being arrested on May 13, 2005 for Operating a Vehicle while Intoxicated, Passing Marked Lanes and Open Container. The Court amended the Operating a Vehicle while Intoxicated charge to Physical Control as Ober completed their diversion program. He was sentenced to 30 days in jail which was suspended and placed on one year community control. The other two charges were dismissed. As a result of these two arrests, Mr. Ober entered substance abuse treatment at The Counseling Center in Adams County, Ohio and completed the program on September 6, 2005. During this time, Mr. Ober also tested positive for the use of marijuana on June 14, and July 19, 2005. Ober addressed these issues in substance abuse treatment, but later tested positive again for marijuana on January 13, 2006..

Since that time, Mr. Ober has also had difficulty finding steady employment. As a result, he has not made a payment toward his fine since March 10, 2005. He currently has an outstanding balance of \$825. In addition, the Court ordered him to pay child support in Adams County. He has not made a payment since March 6, 2006. Although Mr. Ober has been periodically employed, he does not hold a job for a long period of time. It appears that family issues get in the way, and he quits working.

On August 28, 2006, this officer met with him at his home along with his girlfriend's family. He stated that he went to Shawnee Mental Health Center to help him with some of his family and substance abuse issues, and may possibly sign up for social security. Mr. Ober said he had not been using marijuana and has been drinking alcohol minimally. He submitted to urinalysis on August 28, 2006 which was negative.

On September 7, 2006, this officer attempted to contact Mr. Ober to check on the status of his counseling. This officer was informed by his girlfriend that she has not seen him for the past few days. This officer then went by his girlfriend's house on September 12, 2006 and again she stated she had not talked with him.

The following day, Mr. Ober contacted this officer stating that he was residing at a friend's house in Wheelersburg, Ohio. Mr. Ober indicated he would keep in contact with this officer and did not want to be with his girlfriend because it was causing problems. This officer then spoke with Mr. Ober five days later, and he said he had been sick with the flu. This officer has not been able to contact him since September 18, 2006. Attempts to contact him at his friend's house and his girlfriend's house have been made, but no one has heard from him.

This officer has given Mr. Ober numerous chances to comply with supervision, including counseling, and he continues not to comply. This officer previously notified the Court on September 18, 2006 that Mr. Ober's fine had not been paid in full.

As a result of the above information, it is respectfully recommended that a warrant be issued for Mr. Ober. The term of supervision should be

- ☒ Revoked.
- ☐ Extended for years, for a total term of years.
- ☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
- ☐ The conditions of supervision should be modified as follows:


PROB 12C
Rev 2/03

3

RE: OBER, John
Petition for Warrant

I declare under penalty of perjury that
the foregoing is true and correct.

Executed on October 23, 2006


Darla J. Huffman
U.S. Probation Officer

by

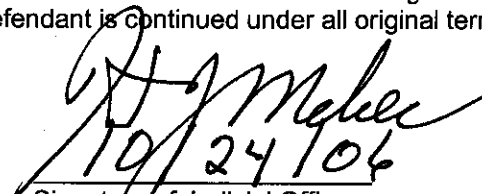
Approved,



John Cole
Supervising U.S. Probation Officer
Date: October 23, 2006

THE COURT ORDERS:

- ☐ No Action
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☐ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


10/24/06
Signature of Judicial Officer

Date
